



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

KENYON & KENYON LLP  
ONE BROADWAY  
NEW YORK NY 10004

**COPY MAILED**  
**DEC 29 2006**  
**OFFICE OF PETITIONS**

In re Application of	:	
Kynast, et al.	:	
Application No. 10/517,514	:	ON PETITION
Filed: June 21, 2005	:	
Attorney Docket No. 10191/3619	:	

This is a decision on the petition under 37 CFR 1.181, filed December 8, 2006, requesting that the Office withdraw the holding of abandonment of the above-identified application.

The petition under 37 CFR 1.181 is **GRANTED**.

This application was held abandoned for failure to respond in a timely manner to the non-final Office action, mailed May 15, 2006, which set forth an extendable three (3) month period for reply. The Office contended that this application became abandoned on August 16, 2006 for failure to reply to the May 15, 2006 non-final Office action. A Notice of Abandonment was mailed on November 27, 2006.

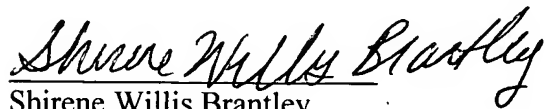
Petitioners request withdrawal of the holding of abandonment based on the assertion that a request for a three month extension of time and an amendment were timely mailed on certificate of mailing date November 13, 2006 and received in the Office on November 17, 2006. The undersigned finds this argument completely convincing, as these documents are present in the application file and Office financial records shows that the required three month extension of time fee was charged on November 20, 2006. The mailroom date for the payment was erroneously listed as November 17, 2006. The extension of time and the amendment both contain proper certificate of mailings listing November 13, 2006 as the date of deposit. Therefore, the three month extension of time and amendment were timely filed.

Office financial records will be changed to show that the three month extension of time has a mailroom date of November 13, 2006.

The petition under 37 CFR 1.181 is **granted**, the holding of abandonment is withdrawn, and the November 27, 2006 Notice of Abandonment is **vacated**. No petition fee has been or will be charged in connection with this matter.

Accordingly, the application file will be forwarded to Technology Center A.U. 3661 for consideration of the amendment filed on November 17, 2006 (certificate of mailing date November 13, 2006).

Telephone inquiries pertaining to this matter may be directed to the undersigned at (571) 272-3230.

A handwritten signature in cursive script, reading "Shirene Willis Brantley".

Shirene Willis Brantley  
Senior Petitions Attorney  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy